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6 Attorneys for Defendant  
7 NVIDIA CORPORATION

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10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA

13 ADVANCED TECHNOLOGY  
14 DISTRIBUTORS, INC., a California  
15 corporation, on behalf of itself and all others  
16 similarly situated,

17 Plaintiff,

18 v.

19 NVIDIA CORPORATION; ATI  
20 TECHNOLOGIES, INC.; and  
21 ADVANCED MICRO DEVICES, INC.,

22 Defendants.

23 Case No. C-07-0581 CW

24 **CLASS ACTION**

25 **STIPULATED REQUEST TO CONTINUE  
INITIAL CASE MANAGEMENT  
CONFERENCE AND ADR DEADLINES;  
ORDER**

26 **JURY TRIAL DEMANDED**

27 Plaintiff Advanced Technology Distributors, Inc. (“Plaintiff”) and Defendants Nvidia  
28 Corporation (“Nvidia”), ATI Technologies ULC and Advanced Micro Devices, Inc. (collectively  
“AMD”) hereby jointly request the Court to continue the initial case management conference and  
related deadlines in this action as follows.

29 1. On January 29, 2007, Plaintiff filed the complaint in this action (“Complaint”),  
30 which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, and under state antitrust  
31 and consumer protection laws. Plaintiff styled the Complaint as a putative class action.

1           2.     As of the date of this Stipulation, at least 46 other complaints have been filed in  
 2 this and other judicial districts. All of these complaints also allege federal and/or state law  
 3 antitrust claims against Nvidia and AMD and are styled as putative class actions.

4           3.     On December 8, 2006, the plaintiffs in some of the other actions pending in this  
 5 district filed a motion before the Judicial Panel on Multidistrict Litigation (“JPML” or “Panel”) to  
 6 transfer and consolidate in this judicial district all existing and subsequently filed antitrust actions  
 7 related to the claims alleged in the Complaint (“JPML Motion”). The JPML Motion is currently  
 8 pending in *In re Graphics Processing Units Antitrust Litigation*, MDL Docket No. 1826.

9           4.     On January 16, 2007, AMD and Nvidia filed a response with the JPML supporting  
 10 consolidation and transfer of these actions to the Northern District of California, San Jose  
 11 Division, or, in the alternative, in the Northern District of California, San Francisco Division. To  
 12 date, every party responding to the JPML Motion has supported consolidation and transfer and no  
 13 party has opposed it.

14           5.     Oral argument on the JPML Motion was held on March 29, 2007 in San Antonio,  
 15 Texas. The parties agree that, at some point, the JPML is likely to order transfer and  
 16 consolidation of these actions.

17           6.     In light of these facts, Plaintiff and Defendants stipulated on February 7, 2007 to  
 18 extend the time for Defendants to respond to the Complaint to 30 days after (1) the order  
 19 resolving the JPML motion and (2) the filing and service of any subsequent consolidated  
 20 complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or  
 21 otherwise respond to the Complaint for good cause shown.

22           7.     Given the March 29, 2007 hearing date before the JPML, at least one of the dates  
 23 set forth in the Case Management Scheduling Order entered on January 29, 2007, including the  
 24 deadlines imposed by Federal Rules of Civil Procedure 26, Local Rule 16, and ADR Local Rule  
 25 3.5, will likely come to pass before the JPML acts on the pending motion.

26           8.     Continuing the dates set forth in the January 29, 2007 Case Management  
 27 Scheduling Order would avoid the expenditure of unnecessary judicial resources until it is  
 28

determined whether this action will remain pending in this Court. It would also ensure consistency in pretrial rulings and be convenient for the parties, including Plaintiff.

9. Accordingly, the parties hereby stipulate to and respectfully request that the Court order a continuance of the dates set forth in the January 29, 2007 Case Management Scheduling Order. The affected dates include the deadline to meet and confer and file joint ADR documents (currently April 13, 2007); the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule 26(f) Report (currently April 27, 2007); and the Initial Case Management Conference (currently May 4, 2007).

10. The parties request that the Court continue the above referenced schedule as follows: (1) the deadline to meet and confer and file joint ADR documents – June 22, 2007; (2) the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule 26(f) Report – July 6, 2007; and (3) the Initial Case Management Conference – July 24, 2007. Such a continuance will allow this matter to move forward promptly in the event that the JPML Motion is denied and further proceedings before this Court are necessary.

11. Except as described in Paragraph 6, the parties have sought no previous modification of the timing of any event or deadline set by the Court.

12. The parties agree to notify the Court promptly when the Panel rules on the JPML Motion.

Respectfully submitted,

Dated: April 4, 2007

## COOLEY GODWARD KRONISH LLP

By: /s/ James Donato  
James Donato (146140)

Attorneys for Defendant  
**NVIDIA CORPORATION**

1 Dated: April 4, 2007

2 LATHAM & WATKINS LLP

3 By: /s/ Charles H. Samel  
4 Charles H. Samel (182019)

5 Attorneys for Defendants  
6 ATI TECHNOLOGIES ULC and  
7 ADVANCED MICRO DEVICES, INC.

Dated: April 4, 2007

DAMRELL, NELSON, SCHRIMP, PALLIOS,  
PACHER & SILVA

By: /s/ Fred A. Silva  
5 Fred A. Silva (128464)

6 Attorneys for Plaintiff  
7 ADVANCED TECHNOLOGY DISTRIBUTORS,  
8 INC.

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1 FILER'S ATTESTATION:

2 Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of  
3 perjury that the concurrence in the filing of this document has been obtained from its signatories.

4 Dated: April 4, 2007

5 By: */s/ James Donato*  
James Donato

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## **ORDER**

Pursuant to the stipulation of the parties, all dates set forth in the January 29, 2007 Case Management Scheduling Order are hereby continued as follows: (1) the deadline to meet and confer and file joint ADR documents will be June 22, 2007; (2) the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule 26(f) Report will be July 6, 2007; and (3) the Initial Case Management Conference will be **July 24, 2007 at 2:00 p.m.** The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation.*

Pursuant to stipulation, it is so ordered.

4/9/07

Dated: \_\_\_\_\_

Chadiealt

## The Honorable Claudia Wilken